

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

FREDERICK BANKS

PETITIONER

VERSUS

CIVIL ACTION NO. 5:09cv183-DCB-MTP

K. EVERETT, et al.

DEFENDANTS

**FINAL JUDGMENT**

This cause is before the court, sua sponte, for consideration of dismissal. Pursuant to the memorandum opinion issued this day, it is hereby, ORDERED AND ADJUDGED that this cause filed pursuant to 28 U.S.C. § 2241 be dismissed without prejudice as frivolous and to the extent that the petition can be construed as a § 2255 motion it shall be dismissed with prejudice for this court's lack of jurisdiction.

SO ORDERED AND ADJUDGED, this the 17th day of November, 2009.

s/ David Bramlette  
UNITED STATES DISTRICT JUDGE